

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Harrisonburg Division

CONSUMER FINANCIAL PROTECTION  
BUREAU, et al.,

Plaintiffs,

v.

NEXUS SERVICES, INC., et al.,

Defendants.

Case No.: 5:21-cv-00016-EKD-JCH

**PLAINTIFFS' INITIAL WITNESS AND EXHIBIT LISTS IN SUPPORT OF  
THEIR REQUEST FOR EVIDENTIARY SANCTIONS, INJUNCTIVE  
RELIEF, CONSUMER REDRESS, AND CIVIL MONEY PENALTIES**

Plaintiffs designate the following witness and exhibits in support of their request for  
evidentiary sanctions, injunctive relief, consumer redress, and civil money penalties:

**Witness**

1. Patrick Callahan, Investigator of the Consumer Financial Protection Bureau, will  
testify regarding his calculations of the amount of money that Nexus Services, Inc.  
and Libre By Nexus, Inc. (Entity Defendants) received from consumers during the  
period covered by Entity Defendants' interrogatory responses, December 2013  
through October 2021, and his estimations of the amount of money that Entity  
Defendants received from consumers between November 2021 and June 2022 based  
upon records that Defendants produced of their point-of-sale payment system,  
Lightspeed.

## Exhibits

1. Unredacted version of Declaration of Patrick Callahan and Exhibit A to the Declaration (ECF No. 216-2).
2. Unsealed version of Entity Defendants' Supplemental Responses to the Commonwealth of Virginia's First Interrogatories, dated January 7, 2022 (ECF No. 216-1, Ex. 3).
3. Records of Entity Defendants' point-of-sale payment system, Lightspeed, dated from February 2021 to June 2022, that Defendants produced to Plaintiffs in this litigation on or about July 29, 2022.
4. Agreements between Defendant Libre by Nexus, Inc. and consumers:
  - a. CFPB\_LIBRE-00000363-00000373 (ECF No. 216-1, Ex. 2); and
  - b. CFPB\_LIBRE-00001368-00001389 (ECF No. 216-1, Ex. 1).
5. The disclosure provided to state attorneys general on or around June 12, 2020, by Libre by Nexus, Inc. in connection with a class action in the Northern District of California, *Vasquez et al. v. Libre by Nexus, Inc.*, 4:17-cv-00755 (N.D. Cal.), and as required by the Class Action Fairness Act of 2005, 28 U.S.C. § 1715(b)(7), setting forth Libre's "reasonable estimate of the number of class members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement" (ECF No. 216-1, Ex. 4).

Dated: June 26, 2023

Respectfully submitted,

*Attorneys for the Consumer Financial Protection Bureau*

Eric Halperin  
*Enforcement Director*

Alusheyi J. Wheeler  
*Deputy Enforcement Director*  
Kara K. Miller  
*Assistant Litigation Deputy*

**Hai Binh T. Nguyen**  
California Bar Number: 313503  
Leanne E. Hartmann  
California Bar Number: 264787  
Lee I. Sherman  
California Bar Number: 272271  
Consumer Financial Protection Bureau  
1700 G Street, NW  
Washington, DC 20552  
Telephone (Nguyen): (202) 435-7251  
Telephone (Hartmann): (415) 844-9787  
Telephone (Sherman): (202) 374-4575  
Email: haibinh.nguyen@cfpb.gov  
Email: leanne.hartmann@cfpb.gov  
Email: lee.sherman@cfpb.gov

*Attorneys for the Commonwealth of Virginia, ex rel. Jason S.  
Miyares, Attorney General*

Jason S. Miyares  
*Attorney General*  
Charles H. Slemp, III  
*Chief Deputy Attorney General*  
Steven G. Popps  
*Deputy Attorney General*  
Richard S. Schweiker, Jr.  
*Chief and Senior Assistant Attorney General*

**James E. Scott**  
Assistant Attorney General  
Virginia Bar Number: 88882  
David B. Irvin  
Virginia Bar Number: 23927  
Unit Manager and Senior Assistant Attorney General  
Office of the Attorney General  
Consumer Protection Section  
202 North Ninth Street  
Richmond, VA 23219  
Telephone (Irvin): (804) 786-4047  
Telephone (Scott): (804) 225-4778

Fax: (804) 786-0122  
Email: dirvin@oag.state.va.us  
Email: jscott@oag.state.va.us

*Attorneys for the Commonwealth of Massachusetts*

Andrea Campbell  
*Attorney General*

**Jon Burke**  
Massachusetts Bar Number: 673472  
Assistant Attorney General  
Office of the Attorney General  
10 Mechanic Street  
Worcester, MA 01608  
Telephone: (774) 214-4416  
Fax: (508) 795-1991  
Email: Jonathan.burke@mass.gov

*Attorneys for the People of the State of New York*

LETITIA JAMES  
*Attorney General*

Jane Azia (New York Bar Number: 1539600)  
*Bureau Chief for the Bureau of Consumer Frauds and  
Protection*  
Laura Levine (New York Bar Number: 2337368)  
*Deputy Bureau Chief for the Bureau of Consumer Frauds  
and Protection*

**Franklin H. Romeo**  
New York Bar Number: 4422051  
Assistant Attorney General  
Office of the Attorney General  
28 Liberty Street  
New York, NY 10005  
Telephone: (212) 416-8320  
Fax: (212) 416-6003  
Email: franklin.romeo@ag.ny.gov